**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE V.V.S.RAO**

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**WRIT PETITION NO : 13183 of 2000**

Between:

1. R.Ramadevi W/o.Shyamsundarrao
   H.No.12-413/1 Reddy Colony,
   Mancherial, Adilabad.
2 R.Vamshi Krishna S/o.Shyamsundarrao
   H.No.12-413/1, Reddy Colony,
   Mancherial, Adilabad.
3 R.Karthik S/o.Shymsundarrao
   rep.by his mother Smt.R.Ramadevi

**..... PETITIONERS**

AND

1. The State of A.P. represented by the Station House Officer,

Police Station Mancherial, Adilabad.

2. Rachakonda Anata ,Wife of Shyamsunder Rao,

aged about 35 years, Hanuman Temple,

C.C.C.Naspur, Mancherial Mandal, Adilabad District.

(R2 is impleaded as per Court Order dated 27-04-2005 in

W.P.M.P.No.12556 of 2005

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of certiorary calling for records relating to Crime Registered in FIR No.54/2000 on the file of the Police Station, Mancherial, Adilabad District and quash the same against the petitioners as it is unlawful and unjustified in the interests of Justice.

**Counsel for the Petitioner: MR.CH.JAGANNADHA RAO**

**Counsel for the Respondent No.1 : GP FOR HOME**

**Counsel for the Respondent No.2 : Mr. V. Venkateswar**

**The Court made the following :**

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**ORDER:**

The writ petition is filed by A.2, A.3 and A.4 seeking quashing of Crime No.54 of

2000 of P.S. Mancherial, Adilabad District.

Though the interlocutory matters are listed, the main writ petition is disposed of by this order, after hearing the learned Counsel for the Petitioners and the learned Government Pleader for respondents.

The crime was registered by the first respondent on a complaint given by the second respondent alleging that when she went to visit her sister-Accused No.2; the first petitioner herein, her brother-in-law-accused No.1 forcibly committed intercourse on her and that A.1 and A.2 took her to a Temple at Bejjanki, Karimnagar District, where A.1 married the *defacto* complainant. It is also a specific allegation that A.3 and A.4-Petitioners 2 and 3 herein; who are sons of A.1 and A.2 harassed her in ways more than one. Therefore, the crime was registered under Sections 420, 493, 498-A and 506 of Indian Penal Code (IPC).

The learned Counsel for the petitioners vehemently contends that the first petitioner herein, who is the sister of the complainant, cannot be said to be a party to the allegations of harassment by A.1. While denying the allegations made by the *defacto* complainant, it is further submitted that even the contents of the first information report are taken to be true, they do not disclose any offence.

These contentions are refuted by the learned Government Pleader, appearing on behalf of the respondents.

It is now an axiomatic that in exercise of powers under Section 226 of the Constitution of India, ordinarily a crime or prosecution cannot quashed. If the registration of the crime or investigation into the same results in miscarriage of justice by reason of the first information report not disclosing the ingredients of offence, the Court would be justified to quash the complaint. After perusing the complaint given by the second respondent on 19-04-2000 to the police, this Court is convinced that *prima facie* the complaint discloses the commission of offence by the petitioners. Therefore, it is not a fit case to resort extraordinary exercise of quashing F.I.R.

The writ petition is devoid of merits and is, accordingly, dismissed.

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**V.V.S.RAO, J**

June 27, 2005

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Copy to:

1. The Station House Officer, P.S. Mancherial, Adilabad District.
2. Two C.Cs. to the Government Pleader for Home, High Court Buildings, High Court of A.P., Hyderabad (O.U.T.)

3. Two C.D. Copies.